

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

REYNALDO PABON,

Plaintiff,

-v-

9:20-CV-1503

NELSON *et al.*,

Defendants.

APPEARANCES:

OF COUNSEL:

REYNALDO PABON

Plaintiff, Pro Se

15-B-0448

Marcy Correctional Facility

P.O. Box 3600

Marcy, NY 13403

HON. LETITIA JAMES

New York State Attorney General

Attorneys for Defendants

The Capitol

Albany, NY 12224

BRENDA T. BADDAM, ESQ.

DAVID N. HURD

United States District Judge

ORDER ON REPORT & RECOMMENDATION

On December 7, 2020, *pro se* plaintiff Reynaldo Pabon (“plaintiff”) filed this 42 U.S.C. § 1983 action alleging that defendants Raymond Nelson, John Doe, and Jane Doe violated his Eighth Amendment rights. Along with his

complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP application”). Defendant Nelson moved for summary judgment under Federal Rule of Civil Procedure (“Rule”) 56 on December 7, 2021.

On June 21, 2022, U.S. Magistrate Judge Thérèse Wiley Dancks advised by Report & Recommendation (“R&R”) that Nelson’s motion be granted and that the Doe defendants be *sua sponte* dismissed from this action.

Plaintiff has not filed objections, and the time period in which to do so has expired.¹ See Dkt. No. 34. Upon review for clear error, the R&R will be accepted and adopted in all respects. See FED. R. CIV. P. 72(b).

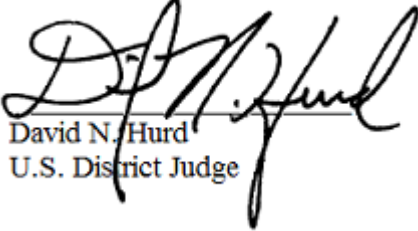
Therefore, it is

ORDERED that

1. The Report & Recommendation is ACCEPTED;
2. The Doe defendants are DISMISSED; and
3. Nelson’s motion for summary judgment is GRANTED.

The Clerk of the Court is directed to enter a judgment accordingly and close the file.

IT IS SO ORDERED.


David N. Hurd
U.S. District Judge

Dated: September 1, 2022
Utica, New York.

¹ Plaintiff previously received two extensions of time in which to file objections. Dkt. No. 36, 38.